REMARKS/ARGUMENTS

In view of the following remarks, the applicants respectfully submit that the pending claims are not rendered obvious under 35 U.S.C. § 103. Accordingly, it is believed that this application is in condition for allowance. **If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicants respectfully request that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.**

The applicants will now address each of the issues raised in the outstanding Office Action.

Objections

Claims 6, 7, 13, 27, 28 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Since the applicants respectfully submit that the claims (1 and 22) from which claims 6, 7, 13, 27, 28 and 34 depend are allowable over the cited art (See discussion below.), the applicants have not rewritten these claims at this time.

Rejections under 35 U.S.C. § 103

Claims 1-5, 9-11, 14-16, 18-26, 30-32, 35-37 and 39-44 stand rejected under 35 U.S.C. § 103(a) as being

unpatentable over U.S. Patent No. 5,924,108 ("the Fein patent") in view of U.S. Patent No. 6,279,018 ("the Kudrolli patent"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

The applicants respectfully submit that one skilled in the art would not have combined the Fein and Kudrolli patents as proposed by the Examiner since there is no obvious reason to do so. Furthermore, regardless or whether one skilled in the art would have combined the references as proposed by the Examiner, independent claim 1 is not rendered obvious by the Fein and Kudrolli patents because the Fein and Kudrolli patents do not teach (1) a text identifier to determine text responsive to an executed query comprising one or more query terms and (2) a word marker to mark at least one word in identified phrase(s) within the text using at least one of (A) a match of the at least one word with at least one word of the executed query, and (B) a format rule. Each of these issues is discussed below.

First, one skilled in the art would not have combined the Fein and Kudrolli patents as proposed by the Examiner because there is no obvious reason to do so. In fact, one skilled in the art would not have combined these references as proposed by the Examiner because the proposed combination would change the principle of operation of the Fein patent, and is therefore improper. MPEP § 2143.01 states:

> If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified,

> then the teachings of the references are not sufficient to render the claims prima facie obvious. (*In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)....

The principle of operation of the Fein patent appears to be the creation of summaries for documents to help humans to quickly discern the meaning of the document. The Fein patent does so by identifying frequently used content words in an attempt to identify major themes and distill the main points of the document into an abstract of the document analyzed. (See, e.g., the Abstract, column 1, lines 5-17 and lines 50-55, and column 2, lines 49-65.) By contrast, the Kudrolli patent replaces all words in the text analyzed with abbreviated words to produce a continuous string of characters with no spaces or breaks. Such a result would hinder, not help, humans from quickly discerning the meaning of the document. (See Figures 19 and 20 of the Kudrolli patent.) That is, by changing the summarization technique described in the Fein patent to conform with the abbreviation method described in the Kudrolli patent, the principle of operation of the Fein patent --helping humans to quickly discern the meaning of a document-- has been changed. Specifically, the abstract created by the unmodified Fein patent would be replaced with a continuous string of characters, subject to space constraints, representing each and every word in the original document analyzed. Thus, the combination of the Fein and Kudrolli patents is improper for at least this reason. One skilled in the art would not have made such a modification to the Fein patent.

Second, embodiments consistent with the claimed invention may provide a system and method for summarizing text/information for use in web-based content. The text/information to be summarized is first determined, by a text identifier, responsive to an executed search query. The determined text/information to be summarized may include, for example, text extracted from a) product descriptions, b) search results, and c) web content for use in advertising creatives or other space limited applications. (See, e.g., figures 4A-4D.) The identified text/information may be summarized, for example, by identifying phrases within the text and ***marking words within the identified phrases to be placed in the summarize text***. In at least some embodiments consistent with the present invention, individual ***words within an identified phrase are marked using at least one of (A) a match of the at least one word with at least one word of the executed query, and (B) a format rule***. (See, e.g., page 19, line 1 through page 20, line 28 of the specification.)

By contrast, the Fein Patent concerns a document summarizer for a word processor. In the Fein patent, for a given text, the author initiates the document summarizer. (See col. 2, line 53 and col. 4, lines 28-30.) The document summarizer counts how frequently content words appear in a document and produces a table correlating the content words with their corresponding frequency counts. A sentence score for each sentence is derived by summing the frequency counts of the content words in a sentence and dividing that tally by the number of the content words in the sentence. The sentences are then ranked in order of their sentence scores for

consideration in the summary. Thus, those sentences which contain the highest number of frequently used words in the document are generally considered to be the most useful for purposes of summarization and included in the summary. (See, e.g., the Abstract.)

As can be appreciated from the foregoing, the Fein patent does not teach a text identifier to determine text responsive to a query, which is subsequently summarized, as in the claimed invention. In the Fein patent, ***for a given text***, "[w]hen an author wishes to summarize a document, ***the author initiates the document summarizer function on the word processing program.***" [Emphasis added.] (See col. 2, line 53 and col. 4, lines 28-30.) That is, the text to be summarized in the Fein patent is not determined responsive to a search query. Rather, it is determined responsive to an input by the author to initiate summarization for a given document.

In addition, the section of the Fein patent cited by the Examiner (col. 1, lines 30-42) describes a problem that the Fein patent attempts to address by summarizing documents; namely, that a person searching for documents regarding a particular topic would have to do a word search to find documents relevant to the topic and would possibly have to read the entire content of every document returned. Thus, if documents included summaries as described in the Fein patent, a person doing a search would only need to read the ***already summarized document text.*** The documents returned, and the text within those documents, are not then summarized as a result of the search described in the Fein patent. Thus, the Fein patent does not teach a text identifier to determine text, which is to be subsequently summarized, responsive

to an executed query, as claimed. These differences were described in the previous amendment filed on January 14, 2008 and, frankly, were not rebutted, nor were they even addressed in Paper No. 20080404. The purported teachings of the Kudrolli patent do not compensate for this deficiency of the Fein patent.

Third, the Fein patent also fails to teach a word marker to mark at least one word in the identified phrase(s) within the determined text using at least one of (A) a match of the at least one word with at least one word of the executed query, and (B) a format rule. The Examiner cites the Abstract and col. 2, lines 50-57 as teaching this feature. Specifically, the Examiner contends that the table produced in the Fein patent, which correlates content words and the frequency at which they occur in the document, teaches a word marker to mark at least one word in the phrase. The applicants respectfully disagree for the reasons set for below and as argued in the previous amendment filed on January 14, 2008.

In embodiments consistent with the present invention, the word marker may mark words in the identified phrase(s) which match the search terms in the query that was used to determine the text to be summarized. For example, assuming in response to a query that included the search terms "**Acme**" and "**Broom**," the text identifier determined the text "Acme Y2K Pro-Series Broom with Extendible Handle and one meter Sweep." The phrase identifier may, for example, determine that this text includes the phrases "Acme Y2K Pro-Series Broom" and "with Extendible Handle and one meter Sweep." The marked words, indicated in boldface, would include the search

terms "**Acme** Y2K Pro-Series **Broom**" and "with Extendible Handle and one meter Sweep." (See, e.g., page 19, lines 1-23.)

Alternatively, or in addition, the word marker may also mark words in the identified phrase(s), in at least some embodiments consistent with the present invention, using a format rule. The format rule may include, for example:

> the last significant word, if any, occurring subsequent to the matched words is identified and logically marked (block 137). In one embodiment, the last significant word is the rightmost word following the last marked word within the same phrase that matches the regular expression: "^\W*([A-Z][a-z]+(-[A-Z][a-z]+)? | [A-Z]+ | [0-9]+)\W*$," where "^\W*([A-Z][a-z]+(-[A-Z][a-z]+)?" matches a title-case word that could be hyphenated, "[A-Z]+" matches an uppercase word, and "[0-9]\W*$" matches a number.

Page 19, lines 24-31. By way of continuing example, the marked words, indicated in boldface, would still include "**Acme** Y2K Pro-Series **Broom**" and "with Extendible Handle and one meter Sweep" and application of the regular expression would result in no further marked words.

By contrast, the cited table in the Fein patent merely stores a count of the number of times content words appeared in a given document. The words that appear in the table are not marked to be included in the summarized text ***using at least one of a match of the at least one word with at least one word of the executed query, and a format rule as described above***. As can be

appreciated from the foregoing, the marker in the present invention is clearly different than the word frequency table produced in the Fein patent. These differences were described in the previous amendment filed on January 14, 2008 and, frankly, were not rebutted, nor were they even addressed in Paper No. 20080404. The purported teachings of the Kudrolli patent do not compensate for this deficiency of the Fein patent.

Fourth, the Examiner contends that the cue-phrase analyzer in the Fein patent teaches a matcher, which matches at least one word in an identified phrase with at least one word of the executed query. However, the cue-phrase analyzer merely identifies phrases that might render a sentence confusing if included in the summary. (See, the Fein patent, col. 6, lines 39-48.) The cue-phrase analyzer in the Fein patent does not teach the matching of words in a phrase with at least one word of the executed query. These differences were described in the previous amendment filed on January 14, 2008 and, frankly, were not rebutted, nor were they even addressed in Paper No. 20080404. The purported teachings of the Kudrolli patent do not compensate for this deficiency of the Fein patent.

Thus, independent claim 1 is not rendered obvious by the Fein and Kudrolli patents for at least the four reasons described above. Corresponding method and apparatus claims 22 and 44 are similarly not rendered obvious by the cited references. Since claims 2-5, 9-10, 14-16 and 18-21 directly or indirectly depend from claim 1, and since claims 23-26, 30-32, 35-37 and 39-43 directly or indirectly depend from claim 22, these claims

are similarly not rendered obvious by the cited references.

Claims 12 and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Fein patent in view of the Kudrolli patent in view of U.S. Patent No. 5,774,833 ("the Newman patent"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Since claim 12 indirectly depends from claim 1, and since claim 33 indirectly depends from claim 22, they are not rendered obvious by the Fein, Kudrolli and Newman patents since the purported teachings of the Newman patent would not compensate for the deficiencies of the Fein and Kudrolli patents with respect to claim 1, discussed above, regardless of the scope of the purported teachings of the Newman patent, and regardless of the absence or presence of an obvious reason to combine these references. Consequently, claims 12 and 33 are not rendered obvious by the cited references for at least this reason.

Claims 17 and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Fein patent in view of the Kudrolli patent in view of U.S. Patent No. 5,694,559 ("the Hobson patent"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Since claim 17 depends from claim 1, and since claim 38 depends from claim 22, they are not rendered obvious

by the Fein, Kudrolli and Hobson patents since the purported teachings of the Hobson patent would not compensate for the deficiencies of the Fein and Kudrolli patents with respect to claim 1, discussed above, regardless of the scope of the purported teachings of the Hobson patent, and regardless of the absence or presence of an obvious reason to combine these references. Consequently, claims 17 and 38 are not rendered obvious by the cited references for at least this reason.

Claims 45-47, 49, 50, 55-59, 61, 62 and 67-70 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Fein patent in view of the Kudrolli patent in view of U.S. Patent No. 5,740,425 ("the Povilus patent"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Independent claims 45, 57 and 70 are not rendered obvious by the Fein, Kudrolli and Povilus patents because these references, either alone or in combination, do not teach or suggest a system for building Web-based advertising creatives, which includes (1) an advertising server to identify at least one item description responsive to an executed query, (2) a phrase identifier to extract a name from the item description and to identify at least one phrase within the name, (3) a word marker to mark at least one word in identified phrase(s) within the text using at least one of (A) a match of the at least one word with at least one word of the executed query, and (B) a format rule, and (4) a word placer to place the at least one of a matched word or a marked word

into the advertising creative subject to space restrictions.

In rejecting original claims 45, 57 and 70, the Examiner contends that these claims are similar in scope and content to that of claims 1, 22 and 44, respectively. Therefore, it is apparently the Examiner's position that claims 45, 57 and 70 are rejected for the reasons discussed with respect to claims 1, 22 and 44, except for the fact that the Fein and Kudrolli patents fail to "specifically address the use of text summarization in order to display item descriptions in a constrained space." (Paper No. 20080404, page 8.) The Examiner further contends that the Povilus patent teaches the use of text summarization in order to display item descriptions in a constrained space since it concerns "a text-searchable electronic product catalog in which a user can search through a large plurality of products within a catalog and return results based on the query terms." (Paper No. 20080404, page 8.)

However, the combination proposed by the Examiner would not compensate for the deficiencies of the Fein and Kudrolli patents with respect to claims 1, 22 and 44, discussed above, regardless of the scope of the purported disclosure in the Povilus patent, and regardless of the absence or presence of an obvious reason to combine these references. Consequently, claims 45, 57 and 70 are not rendered obvious by the cited references for at least this reason. Since claims 46, 47, 49, 50, 55 and 56 depend, either directly or indirectly, from claim 45, and since claims 58, 59, 61, 62 and 67-69 depend, either directly or indirectly, from claim 57, these claims are

not rendered obvious for the reasons discussed with reference to claims 45 and 57.

Claims 48 and 60 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Fein patent in view of the Kudrolli patent in view of the Povilus patent and in further view of U.S. Patent No. 6,181,909 ("the Burstein patent"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Claims 48 and 60 depend from claims 45 and 57, respectively. The combination proposed by the Examiner would not compensate for the deficiencies of the Fein, Kudrolli and Povilus patents with respect to claims 45 and 57, discussed above, regardless of the scope of the purported disclosure in the Burstein patent, and regardless of the absence or presence of an obvious reason to combine these references. Consequently, claims 48 and 60 are not rendered obvious by the cited references for at least this reason.

Claims 51 and 63 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Fein patent in view of the Kudrolli patent in view of the Povilus patent and in further view of U.S. Patent No. 5,943,443 ("the Itonori patent"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Claims 51 and 63 depend, indirectly, from claims 45 and 57, respectively. The combination proposed by the Examiner would not compensate for the deficiencies of the Fein, Kudrolli and Povilus patents with respect to claims

45 and 57, discussed above, regardless of the scope of the purported disclosure in the Itonori patent, and regardless of the absence or presence of an obvious reason to combine these references. Consequently, claims 51 and 63 are not rendered obvious by the cited references for at least this reason.

Claims 52 and 64 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Fein patent in view of the Kudrolli patent in view of the Povilus patent and in further view of U.S. Patent No. 5,875,446 ("the Brown patent"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Claims 52 and 64 depend from claims 45 and 57, respectively. The combination proposed by the Examiner would not compensate for the deficiencies of the Fein, Kudrolli and Povilus patents with respect to claims 45 and 57, discussed above, regardless of the scope of the purported disclosure in the Brown patent, and regardless of the absence or presence of an obvious reason to combine these references. Consequently, claims 52 and 64 are not rendered obvious by the cited references for at least this reason.

Claims 53 and 65 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Fein patent in view of the Kudrolli patent in view of the Povilus patent and in further view of U.S. Patent Application Publication No. 2001/0039519 ("the Richards publication"). The applicants respectfully request that

the Examiner reconsider and withdraw this ground of rejection in view of the following.

Claims 53 and 65 depend from claims 45 and 57, respectively. The combination proposed by the Examiner would not compensate for the deficiencies of the Fein, Kudrolli and Povilus patents with respect to claims 45 and 57, discussed above, regardless of the scope of the purported disclosure in the Richards publication, and regardless of the absence or presence of an obvious reason to combine these references. Consequently, claims 53 and 65 are not rendered obvious by the cited references for at least this reason.

Claims 54 and 66 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Fein patent in view of the Kudrolli patent in view of the Povilus patent and in further view of the Hobson patent. The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Claims 54 and 66 depend from claims 45 and 57, respectively. The combination proposed by the Examiner would not compensate for the deficiencies of the Fein, Kudrolli and Povilus patents with respect to claims 45 and 57, discussed above, regardless of the scope of the purported disclosure in the Hobson patent, and regardless of the absence or presence of an obvious reason to combine these references. Consequently, claims 54 and 66 are not rendered obvious by the cited references for at least this reason.

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Conclusion

In view of the foregoing remarks, the applicants respectfully submit that the pending claims are in condition for allowance. Accordingly, the applicants request that the Examiner pass this application to issue.

Any arguments made in this request for reconsideration pertain ***only*** to the specific aspects of the invention ***claimed***. Any arguments are made ***without prejudice to, or disclaimer of***, the applicants' right to seek patent protection of any unclaimed (e.g., narrower, broader, different) subject matter, such as by way of a continuation or divisional patent application for example.

Respectfully submitted,

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